

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. 3:12cr215-RJC

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN F. MESCALL,

Defendant.

**ORDER OF FORFEITURE**

THIS MATTER is before the Court on the Government's Motion for Money Judgment. In its Motion, the Government requested entry of a \$1,326,319 forfeiture proceeds Money Judgment based on the verdicts of guilt on securities and wire fraud, the trial evidence, including trial testimony and Government's Exhibit 3c, and 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2. At sentencing, the Government reduced its requested Money Judgment amount to \$1,248,812, consistent with the sentencing materials on net losses in this case.

THIS COURT FINDS AS FOLLOWS:

1. The Bill of Indictment (Doc. 1) in this case charged Defendant with violations of 15 U.S.C. §§ 78j(b) and 78ff (securities fraud), and 18 U.S.C. § 1343 (wire fraud). The Indictment also provided notice that property was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, specifically identifying proceeds as subject to forfeiture. The Indictment also included a Grand Jury finding of probable cause that a money judgment of at least \$1,621,437 was subject to forfeiture.

2. A jury found Defendant guilty of the securities fraud and wire fraud violations set

forth in the Indictment. In addition, at the trial of this matter, Commodity Futures Trading Commission Investigator Kara Mucha testified about her analysis of the banking activity and trading records of Capital Street Financial, the entity through which Defendant conducted his Ponzi. Specifically, Investigator Mucha testified about Government's Exhibit 3c, which was admitted into evidence. As set forth in Exhibit 3c, based on the analysis as of the trial the net proceeds of the Ponzi offenses for which Defendant was found guilty were \$1,326,319. The sentencing materials in this case now reflect a net loss, based on the investigation and victim impact statements, of \$1,248,812. The Government advises that it only requests a Money Judgment of such net amount of \$1,248,812 herein.


3. For purposes of Fed. R. Crim. P. 32.2 and based on the Indictment, verdicts of guilt on the securities fraud and wire fraud charges, the trial testimony and exhibits, and the Motion for Money Judgment, the Government has established the amount of the Money Judgment.

IT IS THEREFORE ORDERED that, based upon 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), this Order shall constitute a Money Judgment for the following property:

**\$1,248,812 in proceeds of the securities fraud and wire fraud violations of which the jury found Defendant guilty.**

SO ORDERED

Entered this 30 day of ~~September~~<sup>October</sup>, 2014.

  
Hon. Robert J. Conrad  
UNITED STATES DISTRICT JUDGE